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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,182	07/16/2003	William t. Sanders	030454.00004	2357

7590 12/29/2004
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EXAMINER

ALI, MOHAMMAD M

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 10/621,182	Applicant(s) SANDERS, WILLIAM T.	
	Examiner Mohammad Ali	Art Unit 3744	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

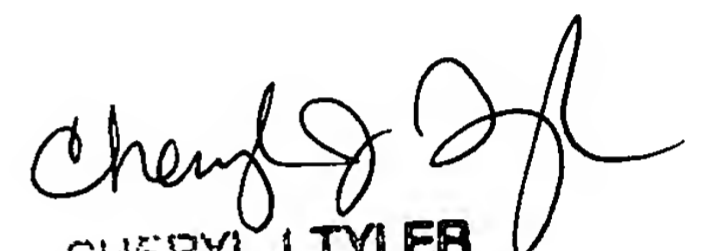
Claim(s) rejected: 21-23 and 27-32.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

(mu)
12-21-04

Continuation of 5. does NOT place the application in condition for allowance because: The drawing has not been corrected showing every feature of the invention specified in the claims. See MPEP 608.02a for a drawing correction which is not required for examination purposes. Examiner requests further, 37 CFR 1.83(a) requires that the drawing must show every feature of the invention specified in the claims. In this regard it is mentioned that The Applicant stated, "Actuator 72 is is connected in any convenient manner with control panel 36 and operates to actuate ice dispenser 46 to deliver ice through chute 68. An actuator 72 which may include a money changer, a coin receptacle and an actuating start button is provided for actuating ice dispenser 46 to deliver ice through chutes 58-----" (see specification page 8, lines 21-23). This indicates that when the device includes some feature, the examiner has reason to believe that device may not include that particular feature unless it is clearly shown in the drawing. Therefore, The Examiner rightly objected to the drawing mentioning the legal requirement as above. Regarding the 112 rejection of claims 27-32, both the , the limitations, "set volume of ice and pre set volume of ice" lack definite meanings and do not indicate any definite volume. Therefore, they have been rejected accordingly. Regarding the two walls of claim 21, it is stated that the dispensing window 2003 is invariably a wall and the other wall can be found to cover the ice chute 2004 as shown in Fig. 17and 23 and it is clear that there is a recess to come out of ice chute 2004 from inside the ice hopper 2028 and vend shutter 3301 and finally from the wall. Therefore, rejections are proper and remain.


CHERYL J. TYLER
PRIMARY EXAMINER